C.F. 66 (a)—14,824—17-12-21.

1923

Department of L-R & Settlement

OFFICE Board of Revenue

STATION Chepauk

This No. 1204

Dated 1-6-23

2-50 P.M.
LCR
1-6-23

To whom sent	Date	Initial.

Given for copying

Copied

Examined

Signed

Given for despatch

Despatched

Indexed

To be destroyed on

Pages in the file

Re exam'n Land Revenue proceedings

Dispd

(SUBJECT.)

Suit. South Kanara - Puttur Dist 1860's

Court - OS No 140 of 1923. Defence Finalised

Not to be filled in the case of permanent records.

Back Paper.

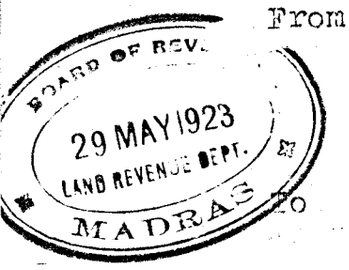
Dis.	No.	Department. / Series	Date.	Dis.	No.	Department. / Series	Date.

Further Papers.

Dis.	No.	Department. / Series	Date.	Dis.	No.	Department. / Series	Date.

Ref.on No.V-3-2154-23. South Kanara Collector's Offi...

Camp Shankernarain, 21st May'23.



From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue, Madras.

Sir,

Suits - Puttur - District Munsif's Court - O.S.1923-140.

One Subbannaya has filed the above suit against ----- Government and another.

2. The suit is for a decree directing the Defendants to maintain the poramboke thodu S.No.144/2.of Kalmadka ----- village, Uppinangadi Taluk in its original condition.

3. The Plaintiff's contention is that the 2nd Defendant having dug up his patta land S.No.157/2 which is a hill waste on the pretext of improving it, and having let down the stones, earth &c. into the poramboke thodu, its bed has been raised and the quantity of water flowing to his areca gardens has been diminished with the result that he is suffering ---- loss on account of the reduced yield of his gardens. On his suit notice which contained similar statements the Tahsildar reported that the action of the 2nd Defendant had not ------- commenced that year, but had been going on for 4 or 5 years, and that the thodu was not in any way interfered with. My predecessor, Mr. Nedungadi thereupon recorded the suit ------ notice but instructed the Tahsildar to inspect the thodu in the next monsoon and prosecute the 2nd Defendant if he was found interfering with the free flow of water. The ------- Tahsildar accordingly inspected the thodu in September 1922 and found it silted up to a height ranging from one to three feet with stones and earth for the space of about 2 furlongs

into the Thodi [illegible]
washing down the stones, earth &c
ing from the hills.

3. At the beginning of about October 1921 the 2nd Dyfi carried on his operations to a considerable extent & taking advantage of the heavy monsoon that year let down very big stones into the current in the Thodi thereby raising its bed by about 2 yards to a length of 2 furlongs. As a result of this raising of the bed, it has become impossible for water to accumulate in the Pey's marsh land further as the water is percolating from the bottom itself, ~~Hence~~ the Pey's gardens do not now get as much water as formerly.

4. The water supply to the Pey's areca gardens having thus diminished, they have suffered in fertility & the Pey. has been subjected to loss due to the decrease in yield.

5. As soon as the Pey. fell the obstruction, he brought it to the notice of the Rev. Authorities but they did not give any heed to the matter nor guide him any just reliefs

Plf. by the action of
Defts. having come to the knowledge
of the Rly. Dept. it was their
duty to see that the parambokku
thodu was maintained in
such a way as not to be
harmful to the Plfs gardens.
As the Govt. have been ~~Carriers~~
headers & Carriers in their duty
they have also been impleaded in
the Suit.

7. The Plf. has according to
law given notice of this suit
to the Collr. of S. K. on 23.2.22

8. The Cause of action for this
Suit has arisen since Dec.r
1921 when the 2nd Defts. Caused
Obstruction to the free flow of
water to the Plfs lands in
Kalmadka V. within the
jurisdiction of this Court.

9. The Value of reliefs claimed
in this suit has been
estimated at Rs. 10/-.

10. Hence the Plf. prays for
a judgment & decree (a)(g) order
the Defts. after giving them notice
to ~~restore~~ maintain the Thodu in its
original State after having
~~removed~~ the raising of its bed
by the action of the 2nd Defts. in

Hill S. No 157/2 removed } 10—0
The Value of this relief }

He also prays for a decree ~~for~~
judgment & decree directing defts.
to pay him the costs of this suit
with interest.

This plaint has been verified
It also bears the signatures
of the Pf. & his Vakil B. Shivarama
Holla. Dated 11. 3. 23.

Original plaint filed on 12.3.23.
(Typed copy)
(Sd) B. Shivarama Holla
Vakil for Pf.

(True Translation)

Main
17.5.23.

Subject.—

R. F. XXII-A-19—21,580—12-16.

FOR MEMBER

In,

Suit - Sonta Kanara. Putta
Dist Mofsil Court - OS. no 14
of 1923. Defence Sanctioned

S.

21.

READ AGAIN B.P., No. _____ dated _____ 191 .

" " " _____ " " _____ 191 .

READ ALSO :—

Register No. H 1309, From the Coll of Sonta Kanara, No. Ref, dated 21.5. 1923 @
on no V.3-2154-23

" " _____ " " " _____ " " _____ 191 .

" " _____ " " " _____ " " _____ 191 .

RESOLUTION. Mis No. 1204, dated 1.6 1923 ~~191~~

Mr
31.5.23

The defence of the suit is sanctioned and the draft written statement approved.

2 The Collector is requested to send a Copy of ~~the plaint~~ the written statement for record in the Board's office

Mr
30-5-23

W
30/5/23

M
30.5.23

To the Coll of Sonta Kanara

Suit records rets

H 1977

Ref.on No.V-3-2154-23. South Kanara Collector's office,
Mangalore, 11th June 1923.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue, Madras.

Sir,

Suit - Puttur District Munsif's Court - O.S.No. 140 of 1923 - Defence.

As desired by the Board, I enclose a copy of the written statement.

Your obedient servant,

Collector.

M.D'S.12/6.

In the District Munsiff's Court of Puttur.

O.S.No.140 of 1923.

Between

Subbannayya. Plaintiff.

and

The Secretary of State for India) in Council and another.) Defendants.

The written statement of the 1st Defendant, the ---- Secretary of State for India in Council, under Rule 1 of -- order VIII of the Civil Procedure Code.

The above named 1st Defendant states as follows:-

1. Plaintiff's suit is not a just one but appears to be the outcome of ill-will and jealousy against the ------- 2nd Defendant, and is also not sustainable at law.

2. This Defendant is not aware of the mamul right -- alleged by the Plaintiff in respect of the water of the --- Poramboke channel.

3. It is true that on account of the unusually heavy rains in October 1921 some of the earth dug out by the ---- 2nd Defendant in his punja land S.No.157/2 was washed into the adjoining Poramboke channel but this Defendant denies - that it caused any real obstruction to the flow of water -- through the channel or that Plaintiff has thereby suffered any damage or loss in consequence. Even if there has been any such obstruction to the flow of water, he cannot hold - this Defendant responsible for the same.

4. This Defendant also denies all the other allegations in the plaint which are not expressly admitted herein, and puts the Plaintiff to strict proof of them.

5. This Defendant is not a necessary party to the -- suit and Plaintiff has no cause of action at all against -- Government.

6. The Plaintiff's suit is also barred by the law of - limitation.

The Defendant prays, therefore, that the suit as ----- against Government may be dismissed with costs.

(sd). G. W. Wells
as Collector 11.6.'20

/True Copy./

for Collector 14/6

14/6
13.6.'23